



ATTORNEY DOCKET NO.
066368-0124

PATENT APPLICATION
09/785,391

SR
#12
4/13/04
200

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robert H. Whitcher, et al.
Serial No.: 09/785,391
Filed: February 15, 2001
Group No.: 2667
Examiner: Alexander O. Boakye
Notice of Allowance Mailed: January 7, 2004
Confirmation No.: 2369
Title: **SYSTEM AND METHOD FOR SELECTING A
COMPRESSION ALGORITHM ACCORDING
TO AN AVAILABLE BANDWIDTH**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants appreciate the Examiner's allowance of Claims 2-8, 10-16, and 18-26. Pursuant to 37 C.F.R. § 1.104, Applicants respectfully issue a statement commenting on the Examiner's reasons for allowance. Applicants respectfully disagree with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations.

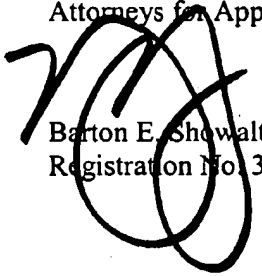
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2

Furthermore, Applicants do not admit to any characterization or limitation of the claims or to any characterization of a reference by the Examiner, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Barton E. Showalter
Registration No. 38,302

Date: April 5, 2004
2001 Ross Avenue, Suite 600
Dallas, TX 75201-2980
(214) 953-6509
Attorney Docket No. 066303.0124



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Serial No.: 09/785,391
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Group No.: 2667
Examiner: Alexander O. Boakye
Notice of Allowance Mailed: January 7, 2004
Confirmation No.: 2369
Title: **System and Method for Selecting a Compression
Algorithm According to an Available Bandwidth**

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Issue Fee Transmittal (PTOL-85) (one (1) page), Baker Botts L.L.P. check in the amount of \$695.00, Comments on Reasons for Allowance (two (2) pages), and the Baker Botts L.L.P. Return Postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 5th day of April, 2004 addressed to Mail Stop ISSUE FEE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Willie Jiles

Willie Jiles

Express Mail Receipt

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1

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Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that this
correspondence is being deposited
with the United States Postal Service
as Express mail in an envelope
addressed to: Mail Stop Issue Fee,
Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450,
on the date shown below.

Anthony T. Smith
Name

April 5, 2004
Date of Signature

LETTER REQUESTING CORRECTION OF ENTITY STATUS

The Notice of Allowance mailed January 7, 2004 incorrectly listed the Entity Status for the above-identified patent application as large. Enclosed for reference is a copy of the Verified

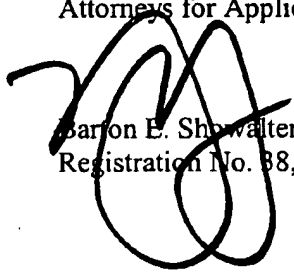
ATTORNEY DOCKET NO.
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PATENT APPLICATION
09/785,391

2

Statement filed in this application, the Baker Botts L.L.P. Return Postcard showing that the Verified Statement was received by the United States Patent and Trademark Office, and a copy of the Filing Receipt confirming the Entity Status for this application as Small Entity. Issue Fees paid concurrently herewith are based on Small Entity Status.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Barton E. Showalter
Registration No. 88,302

Date: April 5, 2004
2001 Ross Avenue, Suite 600
Dallas, TX 75201-2980
(214) 953-6509
Attorney Docket No. 066303.0124

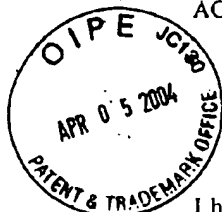
Applicant or Patentee: Robert H. Whitcher, et al.

Attorney's Docket No. 066303.0124

Serial or Patent No.

Filed or Issued:

Title: SYSTEM AND METHOD FOR SELECTING A COMPRESSION ALGORITHM
ACCORDING TO AN AVAILABLE BANDWIDTH



STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) -- SMALL BUSINESS CONCERN

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: General Bandwidth Inc.
Address of Small Business Concern: 12303-B Technology Blvd.
Austin, Texas 78727

I hereby state that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled SYSTEM AND METHOD FOR SELECTING A COMPRESSION ALGORITHM ACCORDING TO AN AVAILABLE BANDWIDTH by inventors Robert H. Whitcher, David N. Miller, Eric Sean Parham, described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e):

NONE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or my maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

Name of Person Signing: Brendon W. Mills
Title of Person if other than owner: President and CEO
Address of Person Signing: 12303-B Technology Blvd.
Austin, Texas 78727

Signature: _____

Date: _____

Best Available Copy

The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:



<input checked="" type="checkbox"/> Circle One: <input checked="" type="checkbox"/> New Appn.: C.P.A.; Con.; CIP.; DIV.: <input type="checkbox"/> Provisional; Converted Provisional <input checked="" type="checkbox"/> DECLARATION/POWER OF ATTORNEY <input checked="" type="checkbox"/> ASSIGNMENT <input checked="" type="checkbox"/> VERIFIED STATEMENT <input checked="" type="checkbox"/> FORMAL DWGS <u>8</u> PAGES <input type="checkbox"/> INFORMAL DWGS _____ PAGES <input type="checkbox"/> Circle One: AMENDMENT/RESPONSE _____		<input type="checkbox"/> EXTENSION OF TIME MTHS _____ <input type="checkbox"/> NOTICE OF APPEAL _____ <input type="checkbox"/> APPEAL BRIEF _____ <input type="checkbox"/> ISSUE FEE <u>107031</u> \$ <u>40.00</u> <input checked="" type="checkbox"/> CHECK NO. <u>107032</u> AMT.: \$ <u>407.00</u> <input type="checkbox"/> SERIAL NO. _____ <input checked="" type="checkbox"/> OTHER <u>Bibliographic Data Sheet</u> <u>Information Disclosure Sheet 7 Ref</u>	
NAME OF INVENTOR(S): <u>Robert H. Whitaker, et al.</u>		RECEIPT DATE & SERIAL NO.:	
TITLE OF INVENTION: <u>Scm for Selective Compression Algorithm</u>		jc929 U.S. PTO 09/785391	
CLIENT OR APPLICANT: <u>General Bandwidth</u>	B&B FILE NO.: <u>066303.0124</u>	 02/15/01	
MAILED: <u>2/15/01</u>	EXPRESS <input checked="" type="checkbox"/>	RECEIPT NO.: <u>EL95719040505</u>	
DUE:			
ATTY/SECY: <u>JDB/bt</u>	CERTIFICATE OF MAILING <input checked="" type="checkbox"/>	HAND DELIVERED <input type="checkbox"/>	